

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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MARK and TABITHA GRAVELY,

Plaintiffs,

v.

WABASH NATIONAL CORPORATION,  
et al.,

Defendants.

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HON. JEROME B. SIMANDLE

Civil No. 09-5435 (JBS-JS)

**ORDER**

This matter having come before the Court upon Plaintiffs' motion to dismiss [Docket Item 22] and Defendant's motion for summary judgment [Docket Item 26]; the Court having considered the submissions in support thereof and opposition thereto; for the reasons stated in the Memorandum Opinion of today's date; and for good cause shown;

IT IS, this 31st day of **August, 2010**, hereby

ORDERED that Plaintiffs' motion to dismiss shall be, and it hereby is, GRANTED without prejudice until March 1, 2011, after which the action will be deemed dismissed with prejudice; and is it is further

ORDERED that prior to Plaintiffs filing a subsequent action or reopening the present action against Defendant Wabash National Corporation based on or including the same claims as the present action, Plaintiffs shall pay Defendant Wabash's reasonable costs for the present action as defined under 28 U.S.C. § 1920; and is it is further

ORDERED that Defendant's motion for summary judgment shall be, and it hereby is, DENIED as moot; and it is further

ORDERED that the Clerk of Court shall terminate this docket.

**s/ Jerome B. Simandle**

JEROME B. SIMANDLE

U.S. District Judge